

REMARKS

This Response is submitted in reply to the Final Office Action dated February 3, 2010. Claims 42 and 43 have been amended for clarity. Claims 10 to 41 have been canceled. Claims 1 to 9, 44 to 46, 49 and 50 were previously canceled. No new matter has been added by these amendments. A Request for Continued Examination and a Supplemental Information Disclosure Statement are submitted herewith. Please charge deposit account number 02-1818 any fees which are due in connection with this Request for Continued Examination, this Supplemental Information Disclosure Statement and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies "... any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 42, 43, 47, 51 and 54 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,971,271 to Wynn et al. ("Wynn"). Applicant respectfully disagrees with this rejection for at least the following reasons.

The Abstract of Wynn discloses:

[a] system for expanding the operation and play of gaming devices such as slot machines is disclosed. It employs an enhanced gaming device including an audio and a video channel between the gaming device and a central location manned by one or more concierges who can communicate with the player, answer questions, make reservations and, in general, attend to the requests of the player. Selected video displays under the control of the concierge are substituted for the normal video display such as a pay table at the gaming device. Communication is initiated by the player by lifting a handset, operating a call button or by inserting a club card into a card slot. Any of these actions will place the call in a queue for answering. If a club card was inserted, player data is displayed before a concierge and the player views an image of the concierge. Player requests may then be addressed. Other calls are likewise addressed. Machine malfunction, jackpot win and coin in/coin out data also trigger concierge response. A variety of locally controlled video presentations may be provided. The system includes video, audio and data communication and storage. Optionally, video communication from the

player to the concierge is provided. In the event of a machine malfunction, the concierge is alerted and may request technician attention. Non club card initiation of communication are prioritized with club card system operation.

Amended independent Claim 42 is directed to a non-transitory computer readable medium encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. Additionally, if the player makes the input to request the at least one of a product or a service to be offered, the non-transitory computer readable medium is encoded with instructions for directing the processor to: determine an individual to communicate with the player, determine, based on the at least one gaming activity, the at least one of a product or a service to be offered to the player, transmit, to the individual, data representing the determined at least one of a product or a service to be offered, and enable communication between the player and the individual via a portable communication device.

Applicant submits that Wynn does not anticipate determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. In Wynn, a player may interact with a casino Concierge: (i) if the player is a member of a Slot Club (Wynn: column 7, lines 28 to 59), or (ii) whenever a jackpot is won or coin in/coin out data reaches a set level in a period of time (Wynn: column 8, line 60 to column 9, line 4). Applicant submits that it appears that the only instance disclosed in Wynn which includes interaction between a player and the Concierge as a result of a triggering event occurring in association with at least one gaming activity which includes at least one random determination, is an instance wherein a jackpot is won or wherein coin in/coin out data reaches a set level in a period of time. In these instances of Wynn, a determination is not made to enable the player to

make an input to request at least one of a product or a service to be offered. Rather, as is indicated by Wynn (see Wynn: column 8, line 60 to column 9, line 4), in these instances, the interaction between the player and the Concierge is automatic (and thus the player can always make an input to request at least one of a product or a service to be offered). Thus, because the player can always make an input to request at least one of a product or a service of be offered in the instances where a jackpot is won or coin in/coin out data reaches a set level in a period of time, no determination is made in Wynn of whether to enable the player to make the input to request the at least one of a product or a service to be offered.

On the other hand, the non-transitory computer readable medium of amended independent Claim 42 is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, and in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

For at least these reasons, Applicant respectfully submits that amended independent Claim 42 is patentably distinguished over Wynn and is in condition for allowance.

Claims 51 and 54 depend directly from independent Claim 42 and are also allowable for the reasons given with respect to independent Claim 42 and because of the additional features recited in these claims.

Amended independent Claim 43 includes certain similar elements to amended independent Claim 42. For reasons similar to those discussed above with respect to amended independent Claim 42, amended independent Claim 43 (and dependent Claim 47) are each patentably distinguished over Wynn and are in condition for allowance.

The Office Action rejected Claims 42, 43, 47, 48 and 51 to 61 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,139,431 to Walker et al. ("Walker I") in view of Wynn. Applicant respectfully disagrees with this rejection for at least the following reasons.

The Abstract of Walker I discloses:

[a] gaming machine that provides free long distance telephone calls, or audio entertainment, as a reward for the continued playing of the gaming machine. The player may continue the free long distance phone call, or continue receiving the audio entertainment, as long his play meets a predetermined level of usage criteria.

Applicant submits that the non-transitory computer readable medium resulting from the combination of Walker I and Wynn does not anticipate or render obvious determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. As is repeatedly indicated in Walker I, players are rewarded with free telephone service for continuing to place wagers at a gaming machine. For example, column 2, lines 29 to 50 of Walker I disclose that:

[a] slot machine is adapted to reward its players free telephone service for the continued playing of the machine. Alternatively, the reward may be free audio service. The slot players are able to make free long distance phone calls from the slot machine as long as their play equals or exceeds a predetermined level of play.

The player first deposits currency or tokens into the slot machine and then pulls the handle, causing the reels to spin. Meanwhile, the player is given access to a free telephone connection for a predetermined period of time. The player may then place a telephone call using the telephone connection. The player may continue the call by repeatedly playing the slot machine, or may instead permit the slot machine to deduct previously earned credits of free phone time from his account.

Thus, as long as the slot player initiates a minimum number of plays over a predetermined time interval, the slot player will be allowed to call long distance for free. The player is therefore rewarded immediately for his gaming, which serves as a strong incentive to continue playing. The reward is also an affordable, fun way for the casinos to attract new patrons. (emphasis added)

Additionally, column 4, lines 27 to 35 of Walker I disclose that:

[i]n step S304, the telephone call remains connected as long as the casino's slot playing criteria for continuing the phone connection are met

by the player's continued use of the slot machine. Thus, as long as the slot player plays a minimum amount of currency over a predetermined time interval, the slot player will be permitted to establish and/or maintain the long distance telephone call for no additional cost. The player is therefore rewarded immediately for his continued gaming in a fun, low-cost way. (emphasis added)

Additionally, column 5, lines 16 to 47 of Walker I disclose that:

[o]nce the call has begun, the player must maintain a minimum rate of play or else the call will be terminated. For example, the player might have to put in three coins every twenty seconds to maintain the connection. For each coin or set of coins inserted a "time counter value" is established which represents the allowed connection time. This "time counter" functionality is similar to that used by pay phones where, for each quarter deposited, the caller gets a pre-established number of seconds of call time. In the present invention, a twenty second "time counter" begins to diminish as soon as the coins are deposited... In step S504, the CPU 100 decides whether the total number of coins played is above the minimum specified in the connection program 201. (emphasis added)

Pages 4 and 5 of the Office Action stated that:

Walker discloses...determin[ing], based on gaming activities, a prompt comprising an offer for product or service to be presented by the individual to the player (abstract, 1: 31-44, 2:23-50, 3:21-5:14, 7:31-8:25, figs 1-7, offer of entertainment or chat service upon connection thereto or concierge of admitted prior art offers to provide service request from player). (emphasis added)

Applicant submits that, with regard to Walker I, the Office Action appears to interpret a "chat service" (which Applicant interprets as the free long distance phone service disclosed in Walker I) as the at least one of a product or a service of independent Claim 42. In Walker I, free long distance phone service is provided based on a player's wagering activities. Applicant submits that gaming activity including at least one random determination is not a basis of consideration in providing free long distance phone service to a player in Walker I. Additionally, as discussed above, Wynn does not anticipate determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

Accordingly, Applicant submits that the computer readable medium resulting from the combination of Walker I and Wynn does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

On the other hand, the non-transitory computer readable medium of amended independent Claim 42 is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, and in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. For at least this reason, Applicant submits that Claim 42 is patentably distinguished over Walker I and Wynn and is in condition for allowance.

Claims 51 to 61 depend directly or indirectly from amended independent Claim 42 and are also allowable for the reasons given with respect to amended independent Claim 42 and because of the additional features recited in these claims.

Amended independent Claim 43 includes certain similar elements to amended independent Claim 42. For reasons similar to those discussed above with respect to amended independent Claim 42, amended independent Claim 43 (and dependent Claims 47 and 48) are each patentably distinguished over Walker I and Wynn and are in condition for allowance.

The Office Action rejected Claim 48 under 35 U.S.C. §103(a) as being unpatentable over Wynn in view of International Patent Application Publication No. WO96/00950 to Walker ("Walker II"). Applicant respectfully disagrees with this rejection for at least the following reasons.

The Abstract of Walker II discloses:

[a] remote gaming system whereby a player can gamble against a wagering establishment (16) or state-run lottery from a remote location on

a personal computer or portable computer device (14) where it is unnecessary to establish an on-line connection with a host computer associated with the wagering establishment, the gaming computer having gaming software (22) for providing a wagering opportunity and enabling the player to obtain gambling credit and cash-out any winnings, the host computer (30) enabling the player to purchase and redeem gambling credit at the remote location [sic] using cryptographic protocols through a series of authenticatable message exchanges between the player and the establishment, the gaming computer and the host computer directly on-line, or the gaming computer having a detachable tamper-resistant or tamper-evident credit module associated therewith or for use with a personal computer being provided to the player with preloaded gambling credit.

Page 8 of the Office Action stated that:

Walker '950 discloses a system where a player using a dedicated gaming computer [a portable communication device] provided by wagering establishment (29: 18-22, ref 14) may request a wagering authority 16 to resolve a dispute and alter the state of the gaming device based on input received from the individual at the wagering establishment and acceptance by the player (3 1 : 15-23)...it would have been obvious to an artisan at a time prior to the invention to apply the process of altering the state of the gaming device based on an input received from the individual includes casino operator change of parameters as taught by Walker '950 to improve the process of Wynn or the process of Walker '431 in view of Wynn for the predictable result of resolving a dispute to player acceptance.

Applicant respectfully submits that regardless of whether or not it would have been obvious to apply the process of altering the state of the gaming device to improve the process of Wynn, as described above, Wynn does not anticipate determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

Walker II does not cure this deficiency. Thus, the computer readable medium resulting from the combination of Wynn and Walker II does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random

determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

On the other hand, the non-transitory computer readable medium of amended independent Claim 48 is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, and in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. For at least this reason, Applicant submits that Claim 48 is patentably distinguished over Walker I and Wynn and is in condition for allowance.

The Office Action rejected Claim 48 under 35 U.S.C. §103(a) as being unpatentable over Walker I in view of Wynn in further in view of Walker II. Applicant respectfully disagrees with this rejection for at least the following reasons.

As discussed above, Applicant submits that the computer readable medium resulting from the combination of Walker I in view of Wynn does not anticipate or render obvious determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

Walker II does not cure this deficiency. Thus, the computer readable medium resulting from the combination of Walker I, Wynn and Walker II does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

On the other hand, the non-transitory computer readable medium of amended independent Claim 48 is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, and in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. For at least this reason, Applicant submits that Claim 48 is patentably distinguished over Walker I, Wynn and Walker II and is in condition for allowance.

The Office Action rejected Claims 52, 53 and 55 to 61 under 35 U.S.C. §103(a) as being unpatentable over Wynn in view of U.S. Patent No. 6,012,983 to Walker ("Walker III"). Applicant respectfully disagrees with this rejection for at least the following reasons.

The Abstract of Walker III discloses:

[a] method and device for automated, repetitive play of a gaming device, such as a slot machine. A player enters player identifying information and player parameter selections at a gaming device. The gaming device stores the player parameter selections and proceeds to initiate automated play of the gaming device. Such automated play occurs while the gaming device is unattended by the player, while a remote communications device, such as a pager, transmits certain results to the player. Furthermore, no other player may use the gaming device during such automated play. The automated play session ends upon occurrence of a limiting criterion such as the expiration of funds, or upon the manual termination of the automated play session by an external action.

As discussed above, Applicant submits that Wynn does not anticipate determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

Walker III does not cure this deficiency. Thus, the computer readable medium resulting from the combination of Wynn and Walker III does not anticipate or render obvious (without the benefit of improper hindsight reconstruction) determining that a

triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination, and in response to the determination that the triggering event has occurred, enabling a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

On the other hand, the non-transitory computer readable medium of each of Claims 52, 53 and 55 to 61 is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, and in response to the determination that the triggering event has occurred, enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered. For at least this reason, Applicant submits that Claims 52, 53 and 55 to 61 are each patentably distinguished over and Wynn and Walker III and are each in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant requests that the Examiner contact the undersigned.

Respectfully submitted,

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